

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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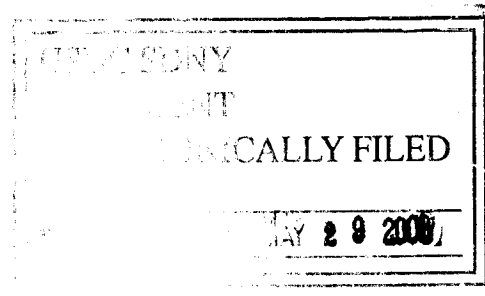
UNITED STATES OF AMERICA : **SUPERSEDING**
 : **INDICTMENT**
 - v. - :
 : S1 08 Cr. 436 (CM)
MARINO COLLAZO and :
GERSAIN MORENO-ORTIZ, :
a/k/a "Luis Jose Hernandez Tovar," :
 :
Defendants. :
- - - - - x

COUNT ONE

The Grand Jury charges:

1. From at least in or about January 2008, up to and including on or about February 4, 2008, in the Southern District of New York and elsewhere, MARINO COLLAZO and GERSAIN MORENO-ORTIZ, a/k/a "Luis Jose Hernandez Tovar," the defendants, and others known and unknown, unlawfully, intentionally and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MARINO COLLAZO and GERSAIN MORENO-ORTIZ, a/k/a "Luis Jose Hernandez Tovar," the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, one kilogram and more of mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).



OVERT ACTS

3. In furtherance of the conspiracy and to effect the illegal object thereof, the following overt acts, among others, were committed in the Southern District of New York, and elsewhere:

a. In or about January 2008 and February 2008, in New York, New York and Brooklyn, New York, GERSAIN MORENO-ORTIZ, a/k/a "Luis Jose Hernandez Tovar," the defendant, supplied MARINO COLLAZO, the defendant, with approximately seven kilograms of heroin.

b. On or about February 4, 2008, in Brooklyn, New York, MARINO COLLAZO, the defendant, met with GERSAIN MORENO-ORTIZ, a/k/a "Luis Jose Hernandez Tovar," the defendant, and an undercover law enforcement officer. During that meeting, COLLAZO provided MORENO-ORTIZ with approximately \$20,000 in cash, as payment for some portion of the heroin MORENO-ORTIZ had previously supplied to COLLAZO, referenced in subparagraph (a) above.

(Title 21, United States Code, Section 846.)

FORFEITURE ALLEGATION AS TO COUNT ONE

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, MARINO COLLAZO and GERSAIN MORENO-ORTIZ, a/k/a "Luis Jose Hernandez Tovar," the defendants, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any and all property constituting or derived from

any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to:

a. All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at 80-91 Cypress Avenue, Ridgewood, New York, 11385.

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

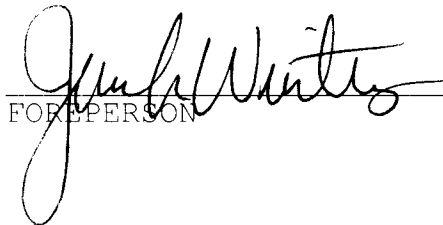
d. has been substantially diminished in value;

or

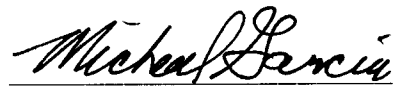
e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 841(a)(1), 846 and 853.)



FOR PERSON



MICHAEL J. GARCIA
United States Attorney

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARINO COLLAZO and
GERSAIN MORENO-ORTIZ,
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Defendants.

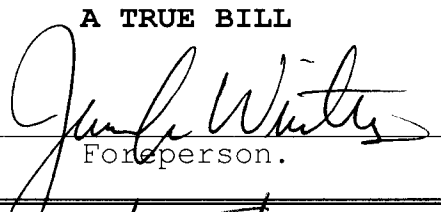
SUPERSEDING INDICTMENT

S1 08 Cr. 436 (CM)

(Title 21, United States Code,
Sections 812, 841(a)(1), 841(b)(1)(A), and 846.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

5/29/08 Fld Superseding Ind

